

**INITIAL EXPRESS TERMS
OF PROPOSED AMINISTRATIVE STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT-STRUCTURAL SAFETY (DSA-SS)**

**REGARDING THE 2013 CALIFORNIA ADMINISTRATIVE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

Chapter 4

LEGEND FOR EXPRESS TERMS

1. Proposed new text: All such language appears underlined.
2. Repealed text: All such language appears in ~~strikeout~~.

GROUP 1. SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS

Article 1. General Provisions

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4-302. Scope.

(a) **General.** Part 2, Title 24, California Code of Regulations (C.C.R.), also known as the California Building Code, designates the structural building regulations that shall apply to the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81131 of the Education Code. The term "school building" shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314.

These regulations establish reasonable standards and minimum requirements for the structural integrity of public school buildings to resist, insofar as practicable, the forces of gravity, wind and earthquake for the protection of life and property.

The design and construction of the mechanical and electrical systems in school buildings shall conform to the applicable building regulations in Title 24, C.C.R.

Further, the design and construction of school buildings shall comply with the regulations adopted by the Division of the State Architect/Access Compliance (DSA-AC) and the Office of the California State Fire Marshal for the particular occupancies concerned. (See Title 24, C.C.R.)

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

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4-305. Application of building standards.

Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 7 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards nor to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer with DSA concerning the applicability of these innovative design or construction techniques to school building construction prior to the submittal of plans and specifications.

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. This requirement shall apply to all buildings proposed for public school use for educational purposes as defined in these regulations. The proposed use of archaic building materials and structural systems such as those desired to be retained in buildings which have been designated as historically important shall be included in this provision. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

4-306. Approval of new school buildings, rehabilitation of school buildings and additions to school buildings. Plans and specifications for any new school building or the rehabilitation of or addition to any school building, regardless of cost, shall be submitted to DSA for approval in accordance with Section 4-315.

All new construction work which is part of an addition project shall comply with currently effective regulations. Existing school buildings for which an addition project is proposed shall be retrofitted as required by Section 4-309 (c).

Before the school board may award a contract or commence construction work for the rehabilitation of a structure already owned (including those pre-1933 buildings not retrofitted or subsequently abandoned for school use under the provisions of the Garrison Act), or an existing building which has been purchased or leased, into a school building, the school board shall submit application and plans of the building to DSA for approval. The plans shall provide for the retrofit necessary for full compliance with the requirements of currently effective regulations. Refer to Section 4-307 for rehabilitation of an existing nonconforming building for use as a school building.

Prior to submittal of project application for the structural rehabilitation of an existing school building, the owner school board shall submit to DSA a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction, and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report shall ~~establishes~~ the criteria for the evaluation and design to be used by the project design professionals and the material testing and condition assessment requirements. The seismic evaluation and retrofit design shall comply with the provisions of Sections 3417 through 3423, Part 2, Title 24, C.C.R.

The relocation or moving of an existing school building within the same school district or from one school district to another, regardless of cost, requires approval by DSA. (See Section 4-314 for definition of "relocation.")

The provisions of this section shall not apply to a "temporary-use building." (See Section 4-314 for definitions of "new school building" and "temporary-use building.")

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

4-307. Rehabilitation of an existing nonconforming building for use as a school building.

(a) An existing nonconforming building rehabilitated for use as a school building is considered, for the purpose of the application of Title 24, to be a new school building. Plans and specifications for rehabilitation of any existing nonconforming building, or portion thereof, for use as a school building shall provide for the retrofit necessary for compliance with the health and safety standards contained in Title 24, C. C. R., currently effective edition. Existing materials or systems not specifically prescribed in current safety standards are permitted to be evaluated for equivalency and approved in accordance with Section 4-304. The seismic evaluation and retrofit design shall comply with the provisions of Sections 3417 through 3423, Part 2, Title 24, C. C. R.

(b) A site, which is currently not an existing school site, on which one or more existing nonconforming

buildings are rehabilitated for use as school building(s) is considered to be a new school site for the purpose of the application of Title 24. Any building on a new school site which is not rehabilitated and approved as a school building shall not be used for school purposes and shall be subject to the provisions of Section 4-310.

(c) Prior to submittal of a project application for the structural rehabilitation of an existing nonconforming building, the ~~owner~~ school board shall submit to DSA a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction; and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report establishes the criteria for the evaluation and design to be used by the project design professionals, and the material testing and condition assessment requirements.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280 and 81130.

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4-309. Reconstruction or alteration projects in excess of \$25,000 in cost.

(a) **General.** Plans and specifications for any reconstruction or alteration project exceeding \$25,000 in cost shall be submitted to DSA for approval in accordance with Section 4-315, except as provided within this section. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section. When the estimated cost of a reconstruction or alteration project exceeds \$25,000 but does not exceed \$100,000, and a licensed structural engineer determines that the project does not include any work of a structural nature, approval of the project plans and specifications by DSA is not required, provided the following three items are completed:

1. The structural engineer shall submit a written statement to DSA, indicating that the project does not contain any work of a structural nature.
2. The design professional in general responsible charge of the project shall certify, in writing, that the plans and specifications for the project meet any applicable fire and life-safety standards, and do not specify any work of construction that is regulated by the accessibility standards of Title 24. This certification shall be submitted to DSA, and shall bear the stamp and signature of the design professional.
3. Within 10 days of the completion of the project, a ~~DSA-certified~~ DSA certified project inspector shall sign and submit to DSA a verified report on ~~Form DSA-999~~ to a form prescribed by DSA, indicating that the project was completed in conformance with the plans and specifications.

The dollar amount cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by ~~the Division of the State Architect~~ DSA. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

All new construction work, which is part of a reconstruction or alteration project shall comply with currently effective regulations.

Exception: Fire damage repair may be accomplished utilizing the approved plans and specifications for the original construction work. All regulations and standards in effect at the time of approval shall be complied with except that the testing and inspection requirements of current regulations shall apply to the reconstruction work. Minor modifications to the original approved plans may be made, subject to the approval of DSA, provided that they do not reduce the structural capacity of the building.

Structural modifications to the existing structural system not exceeding the limits defined in Section 4-309 (c) 2 are permitted to be evaluated and designed in compliance with the wind and seismic provisions contained in Part 2, Title 24 that are applicable to new buildings. Alternatively, the seismic provisions for voluntary lateral-force resisting system modifications contained in Section 3417.11, Part 2, Title 24, are permitted to be used, and wind forces are permitted to be determined in accordance with the Simplified Procedure in Section 6.4 of ASCE 7.

(b) **Existing noncomplying, nonstructural elements.** Existing noncomplying, nonstructural elements discovered during the design or construction of a reconstruction, alteration or addition to an existing complying school building and directly affected by the work of construction shall be corrected to comply with the bracing and anchorage requirements of currently effective regulations.

(c) **Required structural rehabilitation.** Existing school buildings for which a reconstruction, alteration or addition project is proposed shall be evaluated, and retrofitted as required to comply with currently effective regulations applicable to the rehabilitation of structural systems per Section 4-306, including wind and seismic force requirements, when ~~either~~ any of the following conditions occur:

1. When the cost of the reconstruction, alteration, or addition project exceeds \$25,000 and 50 percent of the replacement value of the existing building. Maintenance work and air-conditioning equipment and insulation materials costs need not be included in the percentage of replacement value calculation. For the purposes of this section, the cost of the reconstruction, alteration or addition project shall not include the cost of ~~structural rehabilitation~~ voluntary lateral force resisting system modifications in accordance with Section 4-309(d). If these voluntary lateral force resisting system modification costs are to be excluded and the structure is located in a fault hazard zone, a geologic hazard report shall be prepared demonstrating that the structure is not located within 50 feet of the trace of an active fault as defined in Section 4-317(e), otherwise these costs shall be included.
2. When the cost of the reconstruction, alterations or addition project exceeds \$25,000 but does not exceed 50 percent of the replacement value of the existing building and the proposed modifications, either:
 - A. Increase the effective seismic weight or wind force in any story by more than 10 percent, or;
 - B. Decrease the design capacity of any existing structural component by more than 5 percent, unless the component has the capacity to resist the retrofit design forces.
3. When a change of occupancy results in a structure being reclassified to a higher risk category.

If the base shear capacity has been increased since the original construction, the percent change in base shear is permitted to be calculated relative to the increased capacity.

(d) **Voluntary lateral force resisting system modifications.** Alterations to existing structural components or additions of new structural components that do not exceed the limitations of Section 4-309(c)2 and are initiated for the purpose of increasing the strength or stiffness of the lateral force resisting system of an existing structure are permitted to be evaluated and designed in accordance with Section 3417.11 of Part 2, Title 24, for voluntary lateral-force resisting system modifications.

(e) When structural damage due to an earthquake is repaired, all portions of the structure associated to this damage shall be retrofitted to comply with currently effective regulations.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

4-310. School garages, warehouses, storage and similar buildings, dwellings for employees and miscellaneous structures.

The Act does not apply to buildings or structures constructed by a school district for the purpose of, and used solely for housing, buses and minor mechanical equipment or for nonschool use where such buildings or structures do not provide facilities for either pupils or teachers and are not intended to be entered by them as such for school purposes. Similarly, the Act does not apply to dwellings for employees

or to district-wide administrative buildings on sites separate from school sites, which are not to be used or entered by pupils or teachers, for school purposes.

DSA approval for accessibility is required in accordance with Section 5-101. Approvals from other agencies may also be required. Such buildings or structures shall not be used for school purposes. It shall be the responsibility of the school board to take all necessary measures and precautions to prevent such use and to prevent injuries to pupils or teachers on school grounds as a result of collapse of such buildings or structures. Any such building excluded from the provisions of these regulations shall be posted with a sign pursuant to Sections 17368 and 81165 of the Education Code.

In authorizing and completing the design and construction of district-owned buildings as described in this section, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, ~~7-11~~ and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

For these cases DSA requires that a resolution be passed by the school board stating that the building or structure shall not be used for school purposes and that no pupils or teachers, as such, will be permitted to use or enter the said building for said purposes or be subjected to a hazard resulting from its collapse. A copy of the resolution shall be submitted to DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17368, 81130 and 81165.

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Article 2. Definitions

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4-314. Definitions.

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APPROVED PLANS AND SPECIFICATIONS as used in these regulations shall mean plans, specifications, addenda, constructions changes and other documents which have been duly approved by DSA pursuant to Sections 17295 and 81133 of the Education Code. The plans and specifications shall be identified by a stamp bearing the name "Division of the State Architect," the application number, initials of the plan reviewers and date of stamping. The written approval as required by Section 17297, Education Code, shall not be issued until a copy of plans and specifications bearing DSA's identification stamp is on file at ~~the Division of the State Architect~~ DSA.

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REHABILITATION is the retrofitting of an existing nonconforming building or a school building conforming to earlier code requirements to bring the building, or portion thereof, into conformance with the safety standards of the currently effective regulations, Parts 2, 3, 4, 5, 6, ~~7~~, 8, 9, 11 and 12, Title 24, C. C. R.

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SCHOOL BOARD shall mean and include district Boards of Trustees, city or county Boards of Education and other appropriate authorities for which any school building used or designed to be used for elementary or secondary school or community college purposes is to be constructed, reconstructed, altered or added to by the state, or by any county, city, city and county, or other political subdivision, or by any school or community college district of any kind or character within the state, or by the United States government, or any agency thereof.

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SCHOOL DISTRICT as used in these regulations shall mean a Kindergarten through 12th grade school district of any kind or character within the state, a community college district of any kind or character within the state, a county office of education, elementary or secondary school operated by the United States government, or any agency thereof, and any elementary or secondary school administered directly by the State Department of Education.

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Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17283, 17405, 81130, 81131 and 81529.

Article 3

Approval of Drawings and Specifications

4-315. Application for approval of drawings and specifications.

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(b) **Filing.** A separate application shall be submitted to DSA for each school building or group of school buildings on each school site. In the event that a number of school buildings, on various and separate sites, are to be constructed from the same plans and specifications, only one application shall be required, provided that all buildings are constructed at the same time and within the same school district. The application shall be submitted on ~~Form DSA-1, Application for Approval of Plans and Specifications~~ a form prescribed by DSA. ~~DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.~~ The application shall contain a project name for the school building or group of buildings, the name of the architect or registered engineer in general responsible charge of the work, the names of the architects or registered engineers who have been delegated responsibility for portions of the work (see Section 4-316), the estimated cost of the project and all such other information as is requested thereon.

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Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17297, 17302, 81133 and 81138.

4-316. Designation of responsibilities.

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(b) **Delegation of responsibility.** The architect or structural engineer in general responsible charge may delegate responsibility for any portion of the work to, or may employ or retain, other architects or registered engineers. No delegation to, or employment or retention of others shall be construed as relieving the architect or structural engineer in general responsible charge of his or her rights, duties and responsibilities under Sections 17302 and 81138 of the Education Code and Sections 4-336, 4-341 and 4-344 of these regulations. Whenever an engineer or architect has accepted delegation for the design of portions of the plans and specifications, that same engineer or architect shall observe the construction of the same portions of the design.

Subject to the provisions of the immediately precedent sentence, the architect or structural engineer in general responsible charge shall employ or retain, under his or her supervision, professional engineers registered in the applicable branches of engineering to design and observe the construction, including the making of verified reports (see Section 4-336), of the mechanical and electrical portions of the work, but this requirement for observation of construction may be waived by DSA when special mechanical and electrical inspection is provided in accordance with Section 4-333 (c), where the elements of the mechanical and electrical portions of the work will not be significant to the safety of the building or its occupants.

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(d) **Acceptance of responsibility.** The assumption of general responsible charge or of delegated responsibility shall be ~~clearly outlined, accepted and approved by the parties concerned, including the school board reported using the form(s) prescribed by DSA. Form DSA-1, Application for Approval of Plans and Specifications, provides for the common conditions of delegation of responsibility; but for unusual cases, or for changes in responsibility taking place after the plans have been submitted for approval.~~ Any change in the assumption of the general responsible charge or of delegated responsibility shall be reported using the form(s) prescribed by DSA. If no form is available for a specific delegation or change, the delegation of responsibility, acceptances and approvals thereof, shall be submitted reported in letter form, which shall include an indication that the school board has been notified.

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(f) **Alternates.** The applicant, or the architect or registered engineer having general or delegated responsibility, may name one or more persons to act as alternate(s) for the design and/or observation of the work of construction, provided such persons are architects or registered engineers who themselves are qualified under these rules and regulations to assume the responsibility assigned.

Alternates may be named on ~~Form DSA-1, Application for Approval of Plans and Specifications~~ a form prescribed by DSA, or in letter form. Letters or forms shall be submitted to DSA prior to performance of work by the alternate and shall include an indication that the school board has been notified.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17302 and 81138.

4-317. Plans, specifications, calculations and other data.

(a) **General.** When an application for approval of plans and specifications is filed, it shall be accompanied by three complete sets of the plans and specifications, a copy of the structural design calculations, the site data and a fee payment calculated on the estimated cost. The three complete sets of plans and specifications include the set required by Section 5-103 of Title 24, Part 1, California Code of Regulations. (See Section 4-320.)

Exception: DSA may require that ~~An an~~ application for projects using the collaborative process for project review per Education Code Section 17319 or 81133.1 ~~shall~~ be accompanied by the filing fees per Sections 4-320 and 5-104. The deadline for submittal of completed plans, specifications and supporting documentation shall be determined by DSA in consultation with the applicant, and shall not exceed 18 months from the application date. Failure to comply with the established deadline may result in voidance of the application.

Plans and specifications which when submitted are determined by DSA to be incomplete or incorrect, shall be returned to the architect or engineer in general responsible charge with a request for compliance with these regulations before checking is started by DSA.

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(g) **Deferred approvals submittals.** Only where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and/or manufacturer, the approval of plans for such portion, when specifically accepted by DSA, may be deferred until the material suppliers are selected, provided the following conditions are met:

1. The project plans clearly indicate that ~~a deferred approval by DSA~~ approval of the deferred submittal is required for the indicated portions of the work prior to fabrication and installation.
2. The project plans and specifications adequately describe the performance and loading criteria for such work.
3. A California licensed architect or California registered engineer stamps and signs the plans and specifications for the deferred ~~approval submittal~~ item. The architect or engineer in general responsible charge of the design of the project shall submit the plans and specifications for the deferred ~~approval submittal~~ item to DSA, with notation indicating that the deferred ~~approval~~

submittal documents have been found to be in general conformance with the design of the building.

4. Fabrication of deferred ~~approval~~ submittal items shall not begin without first obtaining the approval of plans and specifications by DSA.

(h) **Signatures required.** The original signature sheet for the specifications and all original tracings for plans, submitted for approval shall bear the stamp and signature of the architect or professional engineer in general responsible charge of the design of the project.

When responsibility for a portion of the work has been delegated, the ~~original tracings for plans and the original cover sheet for the specifications covering that portion of the design shall bear the signature and stamp of the responsible professional engineer or architect to whom the work has been delegated as well as that of the architect or engineer in general responsible charge.~~ As an option, the architect or engineer in general responsible charge may sign the documents with notation indicating that the documents have been coordinated with the design documents and found to be in general conformance with the design.

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Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17299, 17212, 17212.5, 17319, 81133.1, 81135, 81033 and 81033.5.

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Article 4 Fees

4-320. Application Fees. The fees required by Sections 17300 and 81136 of the Education Code shall be in accordance with Section 4-321.4. The fee schedule in effect at the time of filing shall apply throughout the duration of such application. A list of prior fee schedules is available upon request from DSA. The words "filing fee" mean the fee which shall accompany the application, or as corrected pursuant to Section 4-317(f), and the words "further fee" mean the fee which shall be paid to DSA if the actual cost exceeds the estimated cost by more than 5 percent. The application is considered to be received when it, accompanied by the plans and specifications, structural design computations, other required documents and filing fee, has been received by DSA, and the application number assigned.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

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4-323. Revisions of plans and specifications. Revisions are changes to the DSA approved plans or specifications made after DSA approval ~~but prior to bid~~. Revisions shall be submitted to and approved by DSA.

~~—No additional fee is charged upon submission of revisions to the approved plans and specifications, provided that the entire matter is actually one transaction having to do with the same school building and the revisions do not require substantial checking for safety of design. If the original plans are abandoned and the plans and specifications submitted in lieu thereof are in fact for a new project rather than for an identical building, or where a modified set of plans is for an essentially different structural concept, it is necessary that a new application be filed and fee paid. This is regardless of the fact that the school building may have the same name, be of the same general size, and be situated at the same location as the school building for which the original application was made.~~

An hourly fee may be charged to the school district for the review of ~~substantial~~ revisions to approved plans and specifications in accordance with the published rates and collection procedures established by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

4-324. Examples and explanations of fee computation.

(a) Filing fee to accompany application.

Filing Fee under Schedule 11

Estimated Cost \$8,000

$$0.7\% \times \$8,000 = \$56.00$$

Filing Fee is the minimum charge

\$250.00

Filing Fee under Schedule 11

Estimated Cost: \$925,000.00

$$0.7\% \times \$925,000 = \$6,475.00$$

Filing Fee under Schedule 11

Estimated Cost: \$1,260,000.00

$$0.7\% \times \$1,000,000 = \$7,000.00$$

$$0.5\% \times \$260,000 = \underline{1,300.00}$$

\$8,300.00

Corrected Estimate under Schedule 11

Estimated Cost on Application: \$925,000.00

$$0.7\% \times \$925,000 = \$6,475.00$$

$$1\text{st Contract } \$700,000.00$$

$$2\text{nd Contract } \underline{525,000.00}$$

\$1,225,000.00

(Exceeds \$925,000 by more than 30%)

Corrected Estimated Cost: \$1,225,000.00*

$$0.7\% \times \$1,000,000 = \$7,000.00$$

$$0.5\% \times 225,000 = \underline{1,125.00}$$

\$8,125.00

Fee previously paid \$6,475.00

Corrected filing fee due \$1,875.00

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Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

4-325. Billing for further fees. The school district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds of \$5.00 or less due to errors in cost reporting or fee computation shall be made within six months from date of billing.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17300 and 81133.

4-326. Fees for approval of an evaluation and design criteria report for rehabilitation of an existing nonconforming building for use as a school building. A retainer fee of \$2,000.00 shall be required with submittal of the pre-application for a rehabilitation project in accordance with Section 4-307(c). Fees incurred in excess of the retainer fee for DSA review of the Evaluation and Design Criteria Report shall be based on the established hourly billing rate of the Department. Prior to approval of the Evaluation and Design Criteria Report, any additional fees incurred by DSA shall be fully paid. Any unused portion of the retainer fees shall be returned to the ~~owner~~ school district.

Authority: Education Code Sections 17310.

Reference: Education Code Sections 17280.5.

4-327. Fees for DSA review prior to application filing. An hourly fee may be charged to the school district for the review of draft drawings and specifications or consultations with DSA during project development, as requested by the school district and in accordance with the published rates and collection procedures established by DSA.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17319 and 81133.1.

Article 5

Certification of Construction

4-330. Time of beginning construction and partial construction. Construction work, whether for a new school building, reconstruction, rehabilitation, alteration or addition, shall not be commenced, and no contract shall be let until the school board has applied for and obtained from DSA written approval of plans and specifications. Construction shall be commenced within one year after the approval of the application, otherwise the approval may be voided. DSA may require that the plans and specifications be revised to meet its current regulations before an renewal of the voided extension of approval is granted.

Renewals may be granted in annual increments. Renewal shall not be granted after extend beyond a period of four years beyond from the initial date of the application approval, except for projects suspended pursuant to the Department of Finance Budget Letter No. 08-33 dated December 18, 2008 (Interim Loans for General Obligation and Lease Revenue Bond Projects), which are eligible for extension of approval beyond four years from the initial date of the application approval.

A written request for extension of approval must be made by the school board to DSA and shall include evidence that the project suspension is pursuant to the Department of Finance Budget Letter No. 08-33 dated December 18, 2008. This extension of approval shall be granted by DSA for up to one additional year, not to exceed five years from the initial date of the application approval.

The school board may complete all work or proceed with the construction of any part of the work included in the approved plans and specifications with the intent of completing the work later. All work done and materials used and installed must be in accordance with and in conformity to the approved plans and specifications.

An uncompleted building shall not be considered as having been constructed under the provisions of Article 3 or 7 commencing with Sections 17280 and 81130 of the Education Code, respectively. Section 17372 of the Education Code restricts the use of such a building.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17297, 17307, 17372 and 81130.

4-331. Notice to DSA at start of construction.

The architect or registered engineer responsible for the project or the school district shall promptly notify DSA of the start of construction using forms and procedures specified by DSA. submit the following documents to DSA within five days of awarding a contract for construction:

(a) Form DSA-102: Contact Information Form, and

(b) Form DSA-5: Project Inspector Qualification Record [see Section 4-341(d)].

DSA forms are available at any DSA regional office, or on the internet at www.dgs.ca.gov/dsa.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17295, 81130 and 81133.

4-332. Notice of suspension of construction.

(a) When construction is suspended for more than two weeks one month, the project inspector shall notify DSA [see Section 4-336(c) 4-3].

(b) If all construction is suspended or abandoned for any reason for a continuous period of one year following its commencement, the approval of DSA shall become void. DSA may reinstate the approval on the request of the school board.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

4-333. Observation and inspection of construction.

(a) **Observation by architect or registered engineer.** The Act requires that the observation of the work of construction, reconstruction, rehabilitation, alteration or addition shall be under the general responsible charge of an architect, structural engineer, or under certain conditions a professional engineer registered in that branch of engineering applicable to the work. (See Section 4-316.)

A-The responsible geotechnical engineer, or his or her qualified representative, shall perform all testing and special inspection of all earth materials, the placement and compaction of engineered fills, and the geotechnical aspects of foundations, retaining walls and foundation anchors. The responsible geotechnical engineer shall submit verified reports in accordance with Section 4-336 and Title 24, Part 2, Section 1704A.7.1.

(b) **Inspection by a project inspector.** The school board must provide for and require competent, adequate and continuous inspection by an inspector satisfactory to the architect or registered engineer in general responsible charge of observation of the work of construction; to any architect or registered engineer delegated responsibility for a portion of the work; and to DSA.

1. The cost of project inspection shall be paid for by the school board. An inspector shall not have any current employment relationship with any entity which is a contracting party for the construction or any entity providing any services for the school district except for services directly related to project inspection.
2. Project inspectors are prohibited from any activities involving the actual performance of construction, or the scheduling, coordination or supervision of construction contractors for the project.
3. For every project there shall be a project inspector who shall have personal knowledge as defined in Sections 17309 and 81141 of the Education Code of all work done on the project, or its parts as defined in Section 4-316. No work shall be carried on except under the inspection of an inspector approved by DSA. On large projects adequate inspection may require the employment of one or more approved assistant inspectors in accordance with Section 4-333(~~e~~ d). The employment of special inspectors or assistant inspectors shall not be construed as relieving the project inspector of his or her duties and responsibilities under Sections 17309 and 81141 of the Education Code and Sections 4-336 and 4-342 of these regulations.
4. The project inspector shall be capable of performing all essential functions of the job.
5. The project inspector and any assistant inspector must be approved by DSA for each individual project. **[relocated to Section 4-333.1]** ... Prior to being eligible for approval, any project inspector or any assistant inspector shall establish, to the satisfaction of DSA that he or she:
 - A. is appropriately certified by DSA per Section 4-~~333(e)~~ 4-333.1; and
 - B. has adequate knowledge and experience to perform the required duties for the project. He or she shall have at least three years experience in inspection or construction work on building projects of a type similar to the project; and
 - C. will provide sufficient time on the project to fulfill all inspection responsibilities required by ~~this code~~ these regulations.
6. ~~An approved project inspector may be removed and replaced if the work performed is not in conformance with accepted inspection standards, as determined by the school district and the project architect and engineer with the concurrence of DSA. An approved project inspector may also be removed by DSA if the inspection work performed is not in conformance with accepted~~

standards; see Section 4-342. An approved project inspector may be replaced in accordance with the process outlined in Section 4-341(d). The school district shall ensure that a replacement inspector is provided prior to continuation of construction work. DSA may withhold approval of the replacement inspector until a verified report by the previous project inspector is submitted in accordance with Section 4-336(c)5.

7. DSA may withdraw the inspector's approval for the project due to failure of project inspector to comply with the requirements contained in Section 4-342(b). DSA shall communicate the withdrawal of the project inspector's approval in writing to the school district and the responsible architect or engineer. The school district shall ensure that a replacement inspector is provided prior to continuation of construction work.
8. **[relocated from Section 4-333(d)7]** The project inspector may perform special inspections if the project inspector has been specially approved by DSA for such purpose and has the time available to complete the special inspections in addition to project inspection work.
9. **[relocated from Section 4-333(d)8]** The detailed inspection of all work ~~covered by this section,~~ as specified in Section 4-335(f), is the responsibility of the project inspector when a special inspector is not provided ~~(see Section 4-342).~~

(e) **Project inspector certification. ... [relocated to Section 4-333.1]**

(d c) **Special inspection.**

- 1- ~~Special inspection by qualified inspectors specially approved by DSA may shall be required on certain types of construction work as described in in accordance with Title 24, Part 2, Chapter 17A.~~
- 2- DSA may require special inspectors for types of construction in addition to those listed in Chapter 17A of Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.
- 3- ~~DSA may require special inspectors for any off-site fabrication procedures that preclude the complete inspection of the work after assembly.~~
- 4- ~~... [relocated to Section 4-335(f)1]~~
- 5- ~~Special inspectors may be required to be approved by DSA for each individual project prior to performing inspections. Application for approval of a special inspector shall be made on an Inspector's Qualification Form (Form DSA-5) and submitted to DSA for review.~~
- 6- ~~... [relocated to Section 4-335(f)]~~
- 7- ~~... [relocated to Section 4-333(b)8]~~
- 8- ~~... [relocated to Section 4-333(b)9]~~
- 9- Where responsibility for observation of construction for mechanical work and electrical work is not delegated to professional engineers registered in these particular branches of engineering [see Section 4-316(b)], special mechanical and electrical inspection shall be provided.
- 10- ~~... [relocated to Section 4-333(f)3(E)]~~
- 11- ~~... [relocated to Section 4-333(f)4(A)]~~
- 12- ~~... [relocated to Section 4-333(f)4(A)]~~
- 13- ~~... [relocated to Section 4-333(f)4(B)]~~
- 14- ~~The costs of all special inspection required by this subsection shall be paid for by the school board,~~

but if so specified in the contract documents the amount paid may be collected from the contractor by the school board.

-15- ... [relocated to Section 4-335(f)2]

(e d) Assistant inspectors. Assistant inspectors are approved by DSA to assist the project inspectors with the inspection of one or more aspects of the construction. Assistant inspectors must work under the supervision of a Class 1 certified project inspector.

1. On large projects DSA may require the employment of assistant inspectors when the project inspector is not able to provide continuous inspection of all aspects of the construction in a timely manner. When assistant inspectors are required by DSA the project inspector shall remain on-site providing supervision of all assistants during all construction.
2. All assistant inspectors must be approved by DSA prior to performing any inspection work in accordance with Section 4-341(d). Prior to being approved by DSA as an assistant inspector the individual must satisfy all of the following requirements:
 - A. Be certified as a Class 1, Class 2, Class 3 or Class 4 inspector in accordance with Section 4-333(e) 4-333.1.
 - B. ~~Define the type(s) of construction~~ Must possess adequate experience for the type of construction that the assistant will be assigned to inspect.
 - C. Document at least three years of experience in the types of construction that the assistant will inspect. Experience must be obtained in construction or inspection of buildings similar to the buildings for which the individual is applying.
3. The assistant inspector shall establish, to the satisfaction of DSA that he or she meets all of the requirements established in Section 4-333(b)5.
4. Failure of the assistant inspector to perform any of the duties specified in ~~this code~~ these regulations may be cause for DSA to take action as outlined in Section 4-342(c).

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 17311, 81130, 81139, 31141 and 81143.

4-333.1. Project inspector certification. [relocated from Section 4-333(c)] ~~An inspector becomes DSA-certified by~~ To become a DSA certified project inspector, an applicant must successfully completing complete a written examination administered by DSA. The examination measures the applicant's ability to read and comprehend construction plans as well as the construction, inspection and testing requirements of the California Building Standards Code. Examinations are given in four classes.

1. A Class 1 certified inspector may be approved to inspect any project.
2. A Class 2 certified inspector may be approved to inspect any project, except a project containing one or more new, ~~large~~ structures or additions with a primary lateral force resisting system of steel, masonry or concrete.
3. A Class 3 certified inspector may be approved to inspect projects containing alterations to approved buildings, site placement of relocatable buildings and construction of minor structures.
4. A Class 4 certified inspector may be approved to inspect projects containing site placement of relocatable buildings and associated site work.

[relocated from Section 4-333(b)5] ~~An inspector applicant shall not be not less than 25 years of age, possess a high school diploma or equivalent, and shall meet the following minimum qualifications:~~

(a) For Class 1 inspector exam, one of the following:

1. Six years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection of non-residential construction with a valid

certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA. (Note: Possession of a valid California registration as a structural engineer, civil engineer, or a valid California license as an architect may be substituted for four years of required experience.); or,

2. Six years of qualifying experience as the lead project construction superintendent on:
 - a. new building public school construction projects subject to the requirements of Education Code sections 17280 or 81130, and these regulations; and/or,
 - b. construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code;or,
3. Three years of qualifying experience as a DSA certified Class 2 project inspector and valid certification as a special inspector for steel, or concrete, or masonry construction by a state- or nationally-recognized organization, as accepted by DSA, with two years of experience in special inspection; or,
4. Possession of certification as DSA Class 2 project inspector and four years of experience as an assistant project inspector in Class 1 school construction projects.

(b) For Class 2 inspector exam, one of the following:

1. Four years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection of non-residential construction with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA. (Note: Possession of a valid California registration as a structural engineer, civil engineer, or a valid California license as an architect may be substituted for three years of required experience.); or,
2. Four years of qualifying experience as the lead project construction superintendent on:
 - a. new building public school construction projects subject to the requirements of Education Code sections 17280 or 81130, and these regulations; and/or,
 - b. construction of new hospital buildings as defined by Section 129725 of the Health and Safety Code;or,
3. Three years of qualifying experience as a DSA certified Class 3 project inspector; or,
4. Possession of certification as DSA Class 3 project inspector and four years of experience as an assistant project inspector in Class 1 or 2 school construction projects.

(c) For Class 3 inspector exam, one of the following:

1. Three years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection of non-residential construction with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA; or,
2. Possession of a valid California registration as a structural engineer, civil engineer, or a valid California license as an architect; or,
3. Four years of qualifying experience as the lead project construction superintendent (Note: Experience may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years); or,
4. Two years of qualifying experience as a DSA certified Class 4 project inspector and two years of qualifying education with major work in architecture, engineering, building inspection and/or construction; or,

5. Possession of certification as DSA Class 4 project inspector and three years of experience as an assistant project inspector in Class 1, 2, or 3 school construction projects.

(d) For Class 4 inspector exam, one of the following:

1. Two years of experience as an architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA; or,
2. Two years of qualifying experience as the lead project construction superintendent (Note: One year of experience may be substituted with one year of college education with major work in architecture, engineering, building inspection and/or construction); or,
3. Four years of a relevant and varied construction experience at a minimum of journeyman level (Note: Experience may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years); or,
4. Valid certification as a building code-enforcement inspector by a state- or nationally-recognized organization, as accepted by DSA, and three years of qualifying inspection experience. Certification and experience may be gained in building inspection or structural special inspection.

[relocated from Section 4-333(c)] DSA may charge an examination fee to recover reasonable fees and costs.

An applicant for the certification examination or an inspector possessing a valid certificate issued by DSA, shall file changes of name, mailing address or telephone number with the DSA headquarters office within 10 working days of that change. The information filed shall include the new and former name, mailing address or telephone number.

Certification will be valid for a period of four years unless revoked in accordance with Section 4-342(e d) or upgraded by achieving certification in a ~~broader~~ different class. Certification may be renewed by attending DSA training classes and passing a recertification examination.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17311 and 81143.

...

4-335. Tests. Structural tests and special inspections.

(a) **General.** ~~Tests of materials~~ Structural tests and special inspections are required as set forth in these regulations and Part 2 of Title 24, CCR.

Whenever there is insufficient evidence of compliance with any of the provisions of ~~this code~~ Title 24, CCR or evidence that any material or construction does not conform to the requirements of ~~this code~~ Title 24, CCR, DSA may require tests/inspections as proof of compliance to be made at no expense to DSA.

Test/inspection methods shall be as specified by ~~this code~~ Title 24, CCR ~~or and by other applicable recognized and accepted test~~ referenced standards as listed in Chapter 35 of Part 2 of Title 24, CCR. If there are no recognized and accepted test/inspection methods ~~for the proposed alternate~~, the responsible architect or structural engineer shall submit written alternate test/inspection procedures for review and acceptance by DSA.

The school board shall, with the advice of the responsible architect or structural engineer, select a ~~testing facility~~ the laboratory of record (LOR), acceptable to DSA, to conduct all required tests for the project, and special inspections which are contracted to the ~~testing facility~~ LOR. The ~~testing facility~~ LOR shall be directly employed by the school board and not be in the employ of any other agency or individual.

All tests shall be made by a facility laboratory acceptable to DSA as described in Section 4-335(b) 4-335.1. Where job conditions warrant, the responsible architect or registered structural engineer may waive certain tests with the approval of DSA (~~see Section 4-338 for the process of obtaining DSA approval for changes to approved plans and specifications~~). A copy of the list of structural tests and inspections prepared by the responsible architect or structural engineer and acceptable to DSA shall be provided to the designated testing facility and the project inspector prior to the start of construction. The responsible architect or structural engineer shall prepare a statement of structural tests and special inspections, obtain DSA approval and provide a copy of the approved statement of structural tests and special inspections to the LOR and the project inspector prior to the start of construction.

(b) Acceptable testing facilities. [relocated to Section 4-335.1(a) and (b)]

(b) [relocated from Section 4-335(f)] Payments: The school board shall pay for all tests/ inspections, but if so specified the amount or a portion thereof may be collected from the contractor by the school board. When in the opinion of the architect or registered engineer, additional tests/inspections are required because of the manner in which the contractor executes his or her work, such tests/inspections shall be paid for by the school board, but if so specified the amount paid may be collected from the contractor by the school board. Examples of such tests/inspection are: tests of material substituted for previously accepted materials, retests or re-inspections made necessary by the failure of material or work to comply with the requirements of the approved construction documents and specifications, and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.

(c) Duration of testing facility acceptance. ... [relocated to Section 4-335.1(c)]

(d) Fees for testing laboratory evaluation. ... [relocated to Section 4-335.1(d)]

(e c) Performance of tests Sampling and testing of materials. Test samples Samples or specimens of material for testing shall be taken by a qualified representative of the testing facility LOR. ~~The project inspector may, if qualified and other duties permit, be authorized in writing by DSA to sample test specimens.~~ For a minor scope of work, the project inspector may, if qualified and other duties permit, be authorized in writing by DSA to obtain, handle, prepare, protect, transport, and/or store test specimens.

In general, samples ~~are may be~~ selected at random; however, if there is reason to believe that specific materials may be defective, sample locations may be selected by the project inspector, responsible architect, or structural engineer or DSA representative. In no case shall the contractor or vendor select the sample location or obtain specimens.

Sampling ~~Obtaining~~, handling, preparing, protecting, ~~transportation, preparation,~~ transporting or storing of samples and testing shall be in accordance with the standards as provided for in the approved plans, specifications and in the applicable building regulations.

~~Where~~ In cases where a tested sample has failed to pass the required tests meet the requirements of the DSA approved documents, the responsible architect or structural engineer, subject to the approval of DSA, may permit retest of the sampled material or in-place work.

(f) Payments. ... [relocated to Section 4-335(b)]

(g d) Test Reports. Test Reporting Requirements: ~~One copy of all test reports shall be forwarded to DSA, the architect, the structural engineer and the project inspector by the testing facility within 14 days of the date of the test. Such reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or unsatisfactory. Records of special sampling operations as required shall also be reported. The reports shall show that the material or materials were sampled and tested in accordance with the requirements of these regulations and with the approved plans and specifications. In the case of materials such as masonry, concrete, or steel, test reports shall show the specified design strength. All reports of test results shall also definitely state whether or not the material or materials tested comply with requirements of the plans and specifications. Reports of test results of materials not found to be in compliance with the requirements of the plans and specifications shall be forwarded immediately to DSA, the architect, the structural engineer and the project inspector.~~

1. The LOR shall complete detailed test reports outlining all structural material tests. Report format shall be as prescribed by DSA.
2. Reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or nonconforming.
3. The reports shall clearly state that the material or materials were sampled and tested in accordance with the requirements of these regulations and the approved plans and specifications. Reports shall also clearly state whether or not the material or materials tested met the requirements of the DSA approved documents.
4. All reports of tests performed on-site shall be submitted to the project inspector on the day the tests were performed.
5. Within 14 days of the date of any material test, the LOR shall submit all test such reports to the design professional in general responsible charge, the structural engineer, the project inspector, and the school district.
6. Reports of material tests not conforming with the requirements of the DSA approved documents shall be forwarded immediately to DSA, the design professional in general responsible charge, the structural engineer, the project inspector, and the school district.

~~(h) e) Verification of test reports. LOR verified reports. Each testing facility~~ The LOR shall submit a verified report to DSA, and provide a copy to the design professional(s), the school board and the project inspector ~~at the completion of the testing program or when required by DSA a verified report,~~ covering all of the tests and special inspections that were required to be made by that laboratory. Such report shall be furnished within 14 days of the completion of the testing/special inspection program, whenever required by DSA, or any time that work on the project is suspended, or services of the testing lab LOR are terminated, The report shall covering cover the tests and special inspections completed at that time.

The verified report shall be signed, under penalty of perjury, by the California registered civil engineer charged with engineering managerial responsibility for the ~~testing facility~~ LOR. The verified report shall ~~indicate state that all the structural tests and special inspections required by the DSA approved documents were made as required by the approved plans and specifications, and.~~ The report shall include a list of any noncompliant tests material or special inspections inspected work that have ~~has~~ not been resolved by the date of the verified report. ~~In the event that not all required tests or inspections were made conducted by the laboratory making this verified report, those tests or special inspections not made Any required tests or special inspection work that were not conducted by the LOR shall be listed on the verified report, with an explanation why they were not performed.~~

(f) Special inspection. [relocated from Section 4-333(d)6] A special inspector shall not be less than 25 years of age, shall have had at least three years of experience in construction work or special inspection responsibilities work on one or more projects similar to the project for which the inspector is applying, shall have a thorough knowledge of the building materials of his or her specialty, and shall be able to read and interpret plans and specifications.

In addition, for special inspection of masonry construction, shotcrete, and structural glulam laminated timber, DSA may require evidence of the proposed inspector's knowledge and experience by successful completion of a written and/or oral examination by the applicant before approval is granted. DSA may charge a fee to administer such examinations. DSA will maintain a list of special inspectors who have successfully completed an examination by DSA, and continued eligibility to remain on that list will be dependent on demonstrated acceptable performance of duties assigned and/or attendance at continuing education classes.

1. **[relocated from 4-333(d)4]** Special inspectors shall be ~~in the direct employ of the school district or employed by a testing facility an LEA laboratory acceptable to DSA or contract individually and directly with the school board. (See Section 4-335).~~

A. Special Inspectors employed by an LEA Laboratory.

Assignment to a project: Special inspectors employed by an LEA laboratory, under the supervision of the laboratory's engineering manager, shall be reported on a Special Inspector Identification form prescribed by DSA. The form shall be completed and signed by the engineering manager prior to commencing special inspection work. Copies shall be sent to DSA, the design professional(s) and the project inspector. Any changes or substitutions in special inspectors during the course of work will require submission of a revised form to DSA, the design professional(s) and the project inspector.

Supervision: Supervision of special inspectors employed by an LEA laboratory shall be provided by the engineering manager, whose supervision duties shall include but are not limited to the following tasks:

- (i) Providing oversight and responsible control of special inspection services and associated report documents.
- (ii) Verifying that special inspectors meet all employment requirements and possess the training, education and/or certifications necessary to perform the duties assigned.
- (iii) Verifying that special inspectors conduct the required field related services in strict accordance with DSA approved documents and applicable standards.
- (iv) Monitoring special inspection activities to assure that the qualified special inspector is performing his or her duties as required.
- (v) Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.

B. Special Inspectors who contract individually and directly with the school board.

Approval for a project: The school board or design professional in responsible charge shall secure DSA approval for special inspectors as required prior to commencement of work for which special inspection is required.

Supervision: The duties of the design professional in responsible charge in directing the special inspector shall include but are not limited to the following tasks:

- (i) Verifying that special inspectors possess the training, education and/or certifications necessary to perform the duties assigned.
- (ii) Verifying that special inspectors conduct the required special inspection services in strict accordance with DSA approved documents and applicable standards.
- (iii) Monitoring special inspection activities to assure that the qualified special inspector is performing his or her duties as required.
- (iv) Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.
- (v) Verifying that all special inspectors working under the direction of the design professional have filed verified reports as prescribed by Section 4-336(c), and that all code required special inspections were completed.

2. **[relocated from 4-333(d)15]** The acceptance or approval of special inspectors may be withdrawn by DSA if the special inspector fails to comply with any part of ~~this code~~ these regulations or the applicable inspection related referenced standards ~~referenced~~ on the approved plans and specifications.

3. The duties of the special inspector shall include but are not limited to the following:

- A. Review and comprehend all applicable DSA approved construction documents, shop drawings, requirements of applicable code and code referenced standards.
- B. Perform the inspections in conformance with the requirements of the DSA approved documents, applicable code and code referenced standards.
- C. Verify whether or not the work conforms to the requirements of the DSA approved

documents, applicable code and code referenced standards.

- D. The special inspector shall not accept any deviation from the DSA approved documents unless the revision has been approved by DSA.
- E. [relocated from 4-333(d)10] Construction Report in writing immediately any work that the special inspector ~~finds not to be in compliance with the DSA approved plans and specifications~~ deems nonconforming, and which is not immediately corrected upon notifying the contractor. ~~shall be reported in writing immediately~~ Submit the report to the project inspector, DSA, the architect, the structural engineer and the school district.
- F. Complete and submit all required reports, as set forth in sub-sections 4 below.
- G. Special inspectors who contract individually and directly with the school district shall maintain records of all special inspections on a job-by-job basis for at least six (6) years, and shall make such records available to the school district, design professional in responsible charge and DSA upon request. Such records shall include all, special inspection reports, noted deficiencies and dates of resolution of such deficiencies, verified reports, photographs and such other information as may be appropriate to establish the sufficiency of the inspection program.

4. Inspection Reporting Requirements:

- A. **Special inspector daily reports.** Special inspectors shall prepare detailed daily inspection reports outlining the work inspected and shall forward a copy of the report to the project inspector on the day the inspections were performed.

Reports indicating materials or workmanship found to be non-conforming with the requirements of the DSA approved documents shall be forwarded immediately to the project inspector, DSA, the design professional in general responsible charge, the structural engineer and the school district.

[relocated from 4-333(d)11] Within 14 days of the date of any special ~~the~~ inspection, the ~~Special inspectors~~ special inspector shall submit copies of all daily reports within 14 days of the date of the inspection to the school district, DSA, the design professional in general responsible charge, the structural engineer delegated responsibility for design and construction observation, of structural portions of the project (when such delegation has been made) and the project inspector. ~~Reports of special inspections performed on-site shall be submitted to the project inspector on the day the inspections were performed.~~

Report format shall be as prescribed by DSA. [relocated from 4-333(d)12] Special inspection reports shall include a description of all sampling of materials performed and/or witnessed. Reports shall clearly state whether the work was inspected in accordance with the requirements of the DSA approved documents for the project. Reports shall also clearly state whether the work inspected met the requirements of the DSA approved documents. [relocated from 4-333(d)11] Reports shall include all special inspections made regardless of whether such inspections indicate that the work is satisfactory or ~~unsatisfactory~~ non-conforming.

- B. **Special inspector verified report.** [relocated from 4-333(d)13] All special inspectors shall submit verified reports as required by Section 4-336 for the special work covered. Each special inspector who contracts individually and directly with the school board, shall complete a verified report as required by Section 4-336, and submit it to DSA, the design professional(s), the school board, and project inspector. Such report shall be furnished within 14 days of the conclusion of work requiring special inspection, whenever required by DSA, or any time that work on the project is suspended, or services of the special inspector are terminated. The report shall cover the special inspection work completed at that time.

The verified report shall indicate that all special inspections were made as required by the approved plans and specifications, and shall list any noncompliant work that has not been resolved by the date of the verified report. Any required special inspections that were not conducted by the special inspector shall be listed on the verified report, with an explanation.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

4-335.1. DSA Laboratory Evaluation and Acceptance Program.

(a) General. [relocated from Section 4-335(b)] Acceptable testing facilities: ~~Facilities Laboratories~~ conducting any special inspection, testing, sampling, or obtaining, handling, protection, handling preparing, protecting, transporting or storage storing of samples shall must be accepted by the DSA Laboratory Evaluation and Acceptance (LEA) program. A testing facility laboratory may apply for DSA acceptance by submitting Form DSA-100, Application for Acceptance of Testing/Inspection Facility an application on a form prescribed by DSA, along with supporting documentation, to DSA. **[relocated from Section 4-335(b)]** Upon receipt of a valid application, DSA will shall evaluate the testing facility laboratory to verify that requirements of these regulations are met and that engineering managerial and supervisory staff are familiar with Title 24, CCR requirements pertinent to materials testing and special inspection.

A letter of acceptance by DSA shall be issued to the testing facility laboratory and shall state that the testing facility laboratory has demonstrated that it has met the criteria established by DSA for performance of the material testing and special inspection of work and testing of materials under DSA jurisdiction. ~~Names~~ A list of accepted testing facilities-LEA laboratories showing the types of tests and inspections for which they have been approved shall be posted on the DSA website.

(b) To qualify for acceptance, a testing facility laboratory shall comply with the following requirements:

~~1. Comply with the requirements of ASTM E 329-07.~~

1. Qualification Criteria: The laboratory shall obtain and maintain accreditation for ASTM E329-11: Standard Specification for Agencies Engaged in Construction Inspection, Testing, or Special Inspection, through required evaluation and accreditation as described below.

Other nationally recognized evaluation services or accreditation bodies, equivalent to those indicated below, may be accepted by DSA with prior approval.

A. The laboratory shall receive on-site assessments and quality system evaluations by the American Association of State Highway and Transportation Officials (AASHTO) Materials Reference Laboratory (AMRL) or the Cement and Concrete Reference Laboratory (CCRL).

B. The laboratory shall maintain accreditation from the AASHTO Accreditation Program (AAP).

In addition, the laboratory must maintain accreditation for the following standards, as applicable: ASTM C1077 (Aggregate), ASTM C1077 (Concrete), ASTM C1093 (Masonry) and ASTM D3740 (Soil).

The laboratory shall maintain participation in applicable AMRL and CCRL proficiency sample programs.

The laboratory must authorize the release of accreditation, assessment, and proficiency sample testing information to DSA.

~~2. Conduct all testing and inspection operations under the engineering management of a California registered civil engineer with at least five years of experience in the testing and inspection of building materials.~~

2. **Laboratory structure:** The laboratory shall have a full-time engineering manager who is a State of California registered civil engineer. The engineering manager shall possess a minimum of 5 years of relevant experience in the inspection and testing industry and hold a management position in the company. All testing and special inspection services shall be performed under his or her general supervision. The engineering manager shall be responsible for insuring that all technicians and special inspectors employed by the laboratory are appropriately trained, qualified, and certified in their area of expertise. The engineering manager may not be employed by any other laboratory that provides special inspection or testing services. Administration and business practices of the laboratory shall comply with all relevant California State and Federal laws.
- ~~3. An acceptable testing facility shall have management, laboratory and field supervisory personnel with at least five years experience in the inspection and testing of the work and materials of construction.~~
3. **Supervision:** Supervision by the engineering manager shall include but is not limited to the following tasks:
- A. Providing oversight and responsible control of all field and laboratory testing services, special inspection services and associated report documents.
 - B. Verifying that technicians and special inspectors meet all employment requirements and possess the training, education and/or certifications necessary to perform the duties assigned.
 - C. Verifying that qualified technicians and special inspectors conduct the required laboratory and field related services in strict accordance with DSA approved documents and applicable standards.
 - D. On-site monitoring of the special inspection activities to assure that the qualified special inspector is performing his or her duties as required. Frequency of the visits shall be determined by the engineering manager, who shall consider the size and complexity of the school project.
 - E. Verifying that special inspectors properly document their activities, and that reports and logs are prepared and distributed in accordance with these regulations.
- ~~4. An acceptable testing facility shall have adequate facilities, equipment, personnel expertise and technical references to permit the performance of special inspections and testing in compliance with applicable regulations and standards.~~
4. **Limitation of duties:** LEA laboratory activities are specifically limited to those tests/special inspections for which the laboratory has been approved and for which it has satisfied the requirements set forth in these regulations. No laboratory shall conduct any test or special inspections for which the laboratory is not qualified or approved by DSA to perform. The LOR may subcontract tests/special inspections for which it is not approved to another LEA accepted laboratory possessing that approval.
5. **Equipment and tools.** A DSA accepted laboratory shall have adequate facilities, equipment, personnel expertise and technical references to permit the performance of testing and special inspections in compliance with applicable national standards and regulations. The laboratory shall possess and maintain all tools and equipment required to perform the specific tests and special inspections for which it is approved. Such tools and equipment shall be maintained and calibrated periodically in accordance with applicable nationally accepted standards.
6. **Documentation.** A laboratory shall maintain records of all tests and special inspections on a job-by-job basis for at least six (6) years, and shall make such records available to the school board, design professional in responsible charge and DSA upon request. Such records shall include all laboratory test reports, special inspection reports, noted deficiencies and dates of resolution of such deficiencies, verified reports, photographs and such other information as may be appropriate to establish the sufficiency of the testing/special inspection program.

The laboratory's engineering manager shall review test and special inspection reports and progress reports for conformance of inspected work with the approved plans, specifications and workmanship provisions of the California Building Code (CBC) code and referenced standards.

Such supervision and control shall be evidenced by the engineering manager's signature and seal on the verified reports required by these regulations.

7. **Obligation to avoid conflict of interest.** Laboratories shall not engage in any activities that may conflict with their objective judgment and integrity, including but not limited to having a financial and/or other interest in the construction, installation, manufacture or maintenance of structures or components that they inspect, test, verify, or certify.
8. **Evaluations.** The qualifications and capabilities of testing laboratories statewide are subject to evaluation by DSA LEA program personnel. Evaluations occur upon application for acceptance, application for renewal, the addition of services or a change in responsible engineering manager. Evaluations may include but are not limited to a review of the application submittal, consultation with the engineering manager as well as an on-site examination/evaluation of the quality system, equipment, personnel and records.
9. **Audits.** The operations of a DSA accepted laboratory may be subject to audit by DSA. Audits may occur upon receipt of complaints or evidence of failure by the laboratory to meet the requirements of these regulations. Audits may include but are not limited to the following: review of LEA program records, project specific records, on-site examination of equipment, and records of special inspection and testing services. An audit may result in a requirement that the laboratory be re-evaluated.
10. **Obligation to cooperate with inquiries.** All accepted laboratories shall cooperate in any investigation by DSA, into the activities at any school project site or fabricating/manufacturing facility for which they have provided special inspection and/or testing services and shall provide prompt, accurate and complete responses to reasonable inquiries by DSA and other appropriate individuals or agencies.

(c) [relocated from Section 4-335(c)] Duration of testing facility LEA laboratory acceptance.

Acceptance will remain valid for a period of four years unless approval is withdrawn for failure to comply with the requirements of ~~this code~~ these regulations. Examples of such failure include, but are not limited to:

1. Making changes in engineering management or, supervisory personnel, equipment, facility laboratory location or, major equipment, or other key factors without prior approval of notification to the DSA LEA program.
2. Failing to have the laboratory facility evaluated and accredited as outlined in 335(b)1, as applicable to services offered.
- 2 3. Reporting that materials and/or workmanship meet the requirements of DSA approved documents when they do not.
- 3 4. Failing to sample, handle and/or test materials as required by the approved documents, code and referenced standards.
- 4 5. providing Utilizing technicians or special inspectors to a project that do not meet the qualification and/or certification requirements.
- 6 5. Failing to adequately supervise technicians and or special inspectors assigned by the lab to the project, or.
- 7 6. Failing to comply with any of the other requirements of ~~this code~~ these regulations or the DSA approved documents for a project.

(d) [relocated from Section 4-335(d)] Fees for testing laboratory evaluation. DSA may charge a fee to cover the costs of evaluating and re-evaluating the ~~testing facility~~ laboratory. DSA reserves the right to visit, audit and observe the ~~testing facilities~~ laboratories.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309 and 81141.

4-336. Verified Reports.

(a) **General.** As the work of construction progresses, the architect, structural engineer or professional engineer in charge of observation of construction of the work, each architect or registered engineer delegated responsibility for a portion of the work, the project inspector, ~~special inspectors,~~ the

geotechnical engineer, the ~~testing facility~~ LOR, approved special inspectors contracting individually and directly with the school board, and the contractor shall each make and sign under penalty of perjury, a duly verified report to DSA and provide a copy of the same report to the project inspector. The verified report shall be made upon a prescribed form or forms, showing that of his or her own personal knowledge the work during the period covered by the report has been performed and materials have been used and installed in every material respect in compliance with the duly approved plans and specifications, and setting forth such detailed statements of fact as shall be required.

The term "personal knowledge" as applied to an architect or registered engineer means the personal knowledge that is obtained from periodic visits of reasonable frequency to the project site for the purpose of general observation of the work, and that is obtained from the reporting of others on the progress of the work, testing of materials, inspection and superintendence of the work. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the project inspector means the actual personal knowledge that is obtained from the inspector's personal continuous inspection of the work in all stages of its progress. For work performed away from the site, the project inspector may obtain personal knowledge from the reporting of testing or special inspection of materials and workmanship for compliance with approved plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to a special inspector means the actual personal knowledge which is obtained from the inspector's personal inspection of the work assigned. The verified report shall clearly describe the work assigned to each individual special inspector. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the contractor means the personal knowledge gained from constructing the building. The exercise of reasonable diligence to obtain the facts is required.

(b) **Verified report form.** Verified reports shall be made on specific forms prescribed by DSA. ~~DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.~~

(c) **Required filing.** Verified reports shall be made as follows:

1. By each contractor having a contract with the ~~owner~~ school board, at the completion of the contract.
2. By the architect, registered engineers, project inspector and ~~special inspectors~~ at the completion of the project.
3. By the architect, registered engineers, engineering manager of the laboratory of record, as required by Section 4-335(e), and project inspector, and approved special inspectors contracting individually and directly with the school board, at the suspension of all work for a period of more than one month.
4. By the project inspector when any building included in the scope of the project is occupied or re-occupied.
5. By any of the following, whenever their services in connection with the project have been terminated for any reason: the architect, registered engineer, engineering manager of the laboratory of record, project inspector, approved special inspector contracting individually and directly with the school board, testing facility, or the contractor, whose services in connection with the project have been terminated for any reason.
6. By the responsible geotechnical engineer, as required by Section 4-333(a), upon completion of his or her duties.
7. By the ~~testing facility as required by 4-335(h)~~ engineering manager of the laboratory of record, as required by Section 4-335(e), at the completion of the testing program.
8. By the approved special inspector contracting individually and directly with the school board at the conclusion of work requiring special inspection.
- 8 9. By any party listed above at any time a verified report is requested by DSA.

Reference: Education Code Sections 17309 and 81141.

4-337. Semimonthly reports. In addition to the verified reports (Section 4-336) the project inspector shall make semimonthly reports of the progress of construction to the architect or registered engineer in general responsible charge and the structural engineer if delegated to observe the structural portion of the construction. A copy of each such report shall be sent ~~directly~~ to the school board and ~~directly to~~ DSA and a copy kept in the project inspector's job file.

Semimonthly reports shall state the name of the building, the school and the school district, and give the file and application number. The reports shall include a list of official visitors to the project and whom they represent, a brief statement of the work done, instructions received from the architect or registered engineer during the period covered by the report and pertinent information regarding any unusual conditions or questions that may have arisen at the job. The semimonthly report shall include problems or noncomplying conditions which have occurred on the project and how they were resolved or brought into compliance. ~~Forms are not provided by DSA for semimonthly reports.~~ Failure to comply with this section, in a timely manner ~~(seven days after reporting period), will~~ may be cause for DSA to withdraw approval of the inspector.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 17310, 81130, 81141 and 81142.

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4-339. Final certification of construction. The certification of compliance by DSA for public school building projects will be issued when the work has been completed in accordance with the requirements as to safety of design and construction of Sections 17280-17316 and 81130-81147 of the Education Code. The final certification of compliance will not be issued until the ~~owner~~ school board has filed a notice of completion and has filed a statement of final actual project cost as identified in Section 4-322, and has paid all required fees to the Department of General Services.

The certification by DSA may be evidenced either by letter or by certificate. A certificate of compliance will, in general, be issued only for large new projects where the board may desire to display such certificate in a conspicuous place. The letter or certificate of compliance will be directed to the school board.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.

Article 6

Duties under the Act

4-341. Duties of the architect, structural engineer or professional engineer.

(a) **General.** The architect or professional engineer is responsible to the school board and to DSA to see that the completed work conforms in every material respect to these regulations and to the approved plans and specifications. (See Section 4-316.) The responsible architect or engineer may, if so authorized, act as agent for the school board in completing and submitting the application ~~Form DSA-4 for approval of plans and specifications~~ to DSA. (See Section 4-315.)

The architect or registered engineer in no way is relieved of any responsibility by the activities of DSA in the performance of its duties.

(b) **General responsible charge.** The architect, structural engineer or professional engineer in general responsible charge shall advise the school board in regard to filing of the application for approval of plans, the selection of an inspector and the selection of a testing laboratory. The responsible architect or engineer shall prepare plans, specifications, design calculations and other data and shall prepare addenda and construction change documents authorized by the school board and as required by conditions on the project.

The responsible architect or engineer shall make, or cause to be made, the corrections required on the

various documents to comply with the requirements of these regulations. The responsible architect or engineer shall perform general observation of the work of construction, interpret the approved drawings and specifications and shall provide the project inspector and testing facility with a complete set of stamped plans, specifications, addenda and construction change documents prior to the start of construction.

In general, DSA directs all technical correspondence to the architect or registered engineer in general responsible charge of the project.

(c) **Delegated responsibility.** An architect or registered engineer to whom responsibility has been delegated shall, under the general direction of the design professional in general responsible charge, prepare plans, specifications, calculations and other data, and make corrections on these documents as required to comply with these regulations. Such architect or registered engineer shall consult with the design professional in general responsible charge in the preparation of addenda, ~~deferred approvals~~ submittals, field change documents and change orders and the selection of inspectors and the testing facility. The architect or registered engineer shall indicate his or her responsibility for the documents, which affect his or her portion of the work and are presented to DSA for approval, by his or her stamp and signature thereon. The architect or registered engineer shall observe the work of construction of his or her portion of the project and shall consult with the design professional in general responsible charge in the interpretation of the approved drawings and specifications.

(d) **Approval of inspectors.** The school district or architect or registered engineer in general responsible charge shall ~~submit to DSA:~~ obtain DSA approval for a project inspector, assistant inspector, and a replacement inspector, if any, prior to commencement or continuation of construction work, as applicable, in accordance with the project inspector approval process specified by DSA. The following shall be submitted to DSA:

1. The name of the person proposed as project inspector of the work, together with an outline of his or her experience and pertinent qualifications on a ~~Project Inspector Qualification Record (Form DSA-5)~~ form prescribed by DSA, at least 10 days prior to the time of starting in accordance with project inspector approval process specified by DSA.
2. ~~When an assistant inspector is used: the~~ The name of the any proposed assistant inspector together with an outline of his or her experience and pertinent qualifications on an Assistant Inspector Qualification Record (Form DSA-5A) form prescribed by DSA, must be submitted at least 10 days prior to the use of the assistant inspector in accordance with project inspector approval process specified by DSA.
3. ~~When a special inspector is used, the~~ The name of the any special inspector to be used, in accordance with Section 4-333(d)5 4-335(f)1(B).
4. When a replacement project inspector is retained, the name of the person proposed as the new project inspector, together with an outline of his or her experience and pertinent qualifications on a form prescribed by DSA.

~~DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any DSA regional office.~~

The responsible architect or ~~registered~~ engineer shall provide general direction of the work of the project inspector and shall immediately notify the school board and DSA ~~by letter in writing~~ if the project inspector is found to be unable or unwilling to perform such duties properly. This notification shall include a statement as to whether the architect or ~~registered~~ engineer is recommending that DSA withdraw its approval of the project inspector and that the school board terminate the inspector's employment. Upon concurrence by DSA with the recommendation of the responsible architect or ~~registered~~ engineer, DSA will communicate the withdrawal of the project inspector's approval is automatic in writing to the inspector, the school district and the responsible architect or engineer. Upon completion of a terminating verified report, the inspector's duties and responsibilities for the project are ended.

In view of the architect or ~~registered~~ engineer's responsibilities for directing the activities of the inspector,

such responsible architect or ~~registered~~ engineer shall review and evaluate the inspector's qualifications before recommending the approval of the inspector to DSA.

(e) **Report of contract.** The architect or registered engineer in general responsible charge or the school board shall report contract information and time of starting work to DSA. (See Section 4-331.)

(f) **Architect or engineer verified reports.** All architects and registered engineers having responsibility for observation of the work of construction shall maintain such personal contact with the project as is necessary to assure themselves of compliance in every material respect with the approved plans and specifications. Personal contact shall include visits to the project site by the architect, engineer or their qualified representative to observe the construction. Each architect or engineer shall submit verified reports to DSA and provide a copy to the project inspector as required by Section 4-336. The architect or registered engineer in general responsible charge shall also require that verified reports from the project inspector, special inspectors, testing facility, the geotechnical engineer, contractors and the other architects and engineers are submitted as required.

(g) **~~Structural Testing tests~~ and special inspection program.** The architect or registered engineer in general responsible charge shall establish the extent of the structural testing tests and special inspection program consistent with the needs of the particular project [see Sections 4-335 and ~~4-333(d)~~] and shall issue specific instructions to the testing facility and special inspectors prior to start of construction. He or she shall also notify DSA as to the disposition of materials noted on laboratory testing, and/or special inspection; reports as not conforming to the DSA approved documents.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17302, 17309, 17310, 81138, 81141 and 81142.

4-342. Duties of the project inspector.

(a) **General.** The project inspector shall act under the direction of the architect or registered engineer. The project inspector is also subject to supervision by ~~a representative of~~ DSA.

(b) **Duties.** The general duties of the project inspector in fulfilling his or her responsibilities are as follows:

1. **Continuous inspection requirement.** The project inspector must have actual personal knowledge, obtained by personal and continuous inspection of the work of construction in all stages of its progress, that the requirements of the approved plans and specifications are being completely executed.

Continuous inspection means complete inspection of every part of the work. Work, such as concrete work or masonry work which can be inspected only as it is placed, shall require the constant presence of the inspector. Other types of work which can be completely inspected after the work is installed may be carried on while the inspector is not present. In any case, the inspector must personally inspect every part of the work. In no case shall the inspector have or assume any duties that will prevent the inspector from giving continuous inspection. DSA may require verification from the project inspector of time spent at the construction site during all phases of the work.

The project inspector may obtain personal knowledge of the work of construction, either on-site or off-site, performed under the inspection of special inspectors and/or assistant inspectors (Section 4-333). The project inspector may obtain personal knowledge that materials used in the construction conform to the DSA approved documents by verifying test reports performed by DSA accepted testing facilities, verifying materials certifications shipped with the materials, or other means as specified in the DSA approved documents and referenced codes and standards. The project inspector shall be responsible for monitoring the work of the special inspectors and testing laboratories to ensure that the testing program is satisfactorily completed. The project inspector shall be responsible for supervising the work of all assistant inspectors in accordance with Section 4-333(ed). The exercise of reasonable diligence to obtain the facts shall be required.

2. **Relations with architect or engineer.** Any uncertainties in the inspector's comprehension of the plans and specifications or inconsistencies or seeming errors in the approved construction documents shall be reported promptly to the architect or registered engineer for interpretation and instructions. In no case shall the instruction of the architect or registered engineer be construed to cause work to be done which is not in conformity with the DSA approved documents.
3. **Job file.** The project inspector shall keep and maintain a file of approved plans and specifications (including all approved addenda or construction change documents) on the job at all times. The inspector, as a condition of employment, shall have and maintain on the job at all times, the edition of Title 24, Parts 1, 2, 3, 4, 5 and 6 referred to in the plans and specifications. The job file shall include the DSA testing and inspection form, inspector's semi-monthly reports, and all of the following: verified reports, laboratory tests and inspection reports. on the job at all times with all of the following:
- A. DSA approved plans and specifications including DSA approved addenda and all construction change documents.
 - B. Applicable parts of the edition of Title 24, CCR, referred to in the plans and specifications, and any pertinent reference standards.
 - C. DSA approved statement of structural tests and special inspections.
 - D. **[relocated from Section 4-342(b)7(C)]** Copies of project inspector's all semi-monthly reports.
 - E. **[relocated from Section 4-342(b)7(C)]** Copies of all deviation notices and **[relocated from Section 4-342(b)7(B)]** A a log of all deviation notices. The log shall reference all applicable details and specification sections related to nonconforming materials and workmanship including field change documents, change orders, addenda and deferred ~~approvals~~ submittals. The log shall describe all corrective actions taken whether performed in accordance with DSA approved documents or not, the current status of each deviation issue and the resolution for each issue.
 - F. **[relocated from Section 4-342(b)7(B)]** Log documenting all significant communications with the design professionals, contractors, DSA representatives and other persons involved in the project. Significant communications include, but are not limited to, interpretations, clarifications or directions from the design professionals, issues identified by DSA representatives, directives from the school district, and start notices from the contractor.
 - G. Laboratory tests and inspection reports.
 - H. **[relocated from Section 4-342(b)7(C)]** Contractor's request for information (RFI), and responses to the RFIs.
 - I. **[relocated from Section 4-342(b)7(C)]** Interpretations and clarifications from the design professional in general responsible charge.
 - J. Special inspection reports.
 - K. **[relocated from Section 4-342(b)6(A)]** Concrete placing operations. ~~The record shall show~~ records showing the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.
 - L. **[relocated from Section 4-342(b)6(B)]** Welding operations. ~~The record shall include records~~ including identification marks of welders, lists of defective welds, manner of correction of defects, etc.
 - M. **[relocated from Section 4-342(b)6(C)]** Pile driving operations. ~~The record shall include~~ records including penetration under the last 10 blows for each pile when piles are driven for foundations.
 - N. Verified reports for all persons required by this code to file verified reports.
 - O. **[relocated from Section 4-342(b)7(C)]** and Any other applicable documents required to provide a complete record of construction.

The job file shall be kept on the job site until the completion of the ~~work~~ project and shall be readily accessible to DSA personnel during site visits. A copy of the job file shall be made available to DSA upon request. The job file, with the exception of building codes and reference standards, shall be made a part of the permanent school district records.

4. **Project inspector's semimonthly reports.** The project inspector shall keep the architect or registered engineer thoroughly informed as to the progress of the work by making semimonthly reports in writing as required in Section 4-337.
5. **Notifications to DSA.** The project inspectors shall notify DSA by email at the following times:
 - A. When construction work on the project is started, or restarted if previously suspended per Item D below.
 - B. At least 48 hours in advance of the time when foundation trenches will be complete, ready for footing forms.
 - C. At least 48 hours in advance of the first placement of foundation concrete and 24 hours in advance of any subsequent and significant concrete placement.
 - D. When all work on the project is suspended for a period of more than ~~two weeks~~ one month.

- ~~6. **Construction procedure records.** The project inspector shall keep a record of certain phases of construction procedure including, but not limited to, the following:~~

- ~~A. ...[relocated to Section 4-342(b)3(K)]~~
- ~~B. ...[relocated to Section 4-342(b)3(L)]~~
- ~~C. ...[relocated to Section 4-342(b)3(M)]~~

~~All such records shall be kept on the job until the completion of the work and shall be readily accessible to DSA personnel during site visits. These records shall be made a part of the permanent school records.~~

- ~~7. **Construction project log.** The inspector shall maintain construction logs on site at all times including, but not limited to, the following:~~

- ~~A. ...[relocated to Section 4-342(b)3(F)]~~
- ~~B. ...[relocated to Section 4-342(b)3(E)]~~
- ~~C. ...[relocated to Section 4-342(b)3]~~

~~The construction project log shall be kept on the job until the completion of the work and shall be readily accessible to DSA personnel during site visits. The log shall be made a part of the permanent school records.~~

- ~~86.~~ **Deviations.** The project inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications which are not immediately corrected by the contractor when brought to the contractor's attention. Copies of such notice shall be forwarded immediately to the architect or registered engineer, and to DSA.

Failure on the part of the project inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete the work covered by his or her contract in accordance with the approved plans and specifications and all laws and regulations.

- ~~97.~~ **Inspector verified report.** The project inspector shall make and submit directly to DSA verified reports (see Section 4-336). The project inspector shall prepare and deliver to DSA detailed statements of fact regarding materials, operations, etc., when requested.

- ~~108.~~ **Performance of duties.** The inspector shall perform all duties and render all services with honesty. Inspectors who fail to carry out their duties in an ethical manner or who engage in illegal activities may be subject to disciplinary action as defined in Section 4-342(d).

(c) **Violations.** Failure, refusal or neglect on the part of an inspector to notify the contractor of any work which does not comply with the requirements of the approved plans and specifications, or failure, refusal or neglect to report immediately, in writing, any such violation to the architect or registered engineer, to the school board, and to DSA shall constitute a violation of the Act and shall be cause for DSA to take action which may result in the withdrawal of the inspector's approval. The State Architect or designee may take appropriate action as described in Section 4-342(d) when any of the following conditions exist:

1. The inspector has failed to fulfill any of the relevant requirements of this code.
2. The inspector has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of an inspector in a manner consistent with the public health, safety or welfare.
3. ~~The State Architect has received a factual complaint, or other relevant information regarding the work of an inspector.~~

(d) **Disciplinary actions.** Failure to satisfactorily perform inspector duties identified in this code may be cause for DSA to take action(s) which include but are not limited to the following:

1. ~~Require~~ Requiring the inspector to meet with DSA in the regional office for counseling.
2. Requiring the inspector to attend training classes.
3. Withdrawal of the inspector's approval for the project.
4. Downgrading of the inspector's class of certification.
5. Suspension of the inspector's certification.
6. Withdrawal of the inspector's certification.

(e) **Notice of disciplinary actions.** Notice of disciplinary action shall specify the grounds for the actions taken.

(f) **Criteria for reinstatement.** When considering reversal of any disciplinary action taken pursuant to Section 4-342(d), the State Architect or designee evaluating the reinstatement of an inspector's approval for a project, or certification, may consider the following criteria:

1. Nature and severity of the act(s) or offense(s).
2. The time that has elapsed since the commission of the act(s) or offense(s).
3. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(g) **Filing an appeal.**

1. The State Architect or his/her designee has the discretion to immediately order that approval of a project inspector for a project, or certification, be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 4-342(c). The decision to temporarily invalidate approval of a project inspector for a project, or certification, will be made on a case by case basis, as necessary to ensure public health, safety and welfare.
2. The State Architect or his/her designee shall provide the appellant with written notice that their approval for a project, or certification, has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 4-342(g), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.
3. Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect relevant to the issue being investigated.

4. An appeal of an action by the State Architect or his/her designee to suspend approval of a project inspector for a project, or certification, or to deny renewal of a certification must be filed in writing with ~~the Division of the State Architect~~ DSA within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect. Unless a hearing is specifically requested as provided in Section 4-342(d)6 the appeal will be based on an analysis of the materials available.
5. Within 60 days from the date of receipt of the appeal the State Architect or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.
6. Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the appellant. The hearing shall be limited in scope to the actions stated in the written notice. The appellant may bring a representative of his/her choice.
7. The appellant shall be notified in writing of the determination made by State Architect or his/her designee regarding the appeal. Service of the written notice of the decision shall be confirmed by certified mail.
8. Any appeal of a decision rendered by the State Architect or his/her designee to rescind approval for a project or certification may be appealed to the Superior Court.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17309, 17311, 81141 and 81143.

4-343. Duties of the contractor.

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(b) **Performance of the work.** The contractor shall carefully study the approved plans and specifications and shall plan a schedule of operations well ahead of time. If at any time it is discovered that work is being done which is not in accordance with the approved plans and specifications, the contractor shall correct the work immediately.

All inconsistencies or items which appear to be in error in the plans and specifications shall be promptly called to the attention of the architect or registered engineer, through the inspector, for interpretation or correction. In no case, however, shall the instruction of the architect or registered engineer be construed to cause work to be done which is not in conformity with the approved plans, specifications and construction change documents.

The contractor must notify the project inspector, in writing, of the ~~commencement~~ commencement of construction of each and every aspect of the work at least 48 hours in advance.

The contractor must notify the inspector of the completion of each aspect of the work.

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Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17280, 17309, 81130 and 81141.

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Article 7

Examination and Report of Existing Buildings

4-345. Request for examination.

(a) **Examination and report requested of DSA by the school district.** Upon written request by the governing board of any school district or by at least 10 percent of the parents having pupils enrolled in any

school district as certified to by the county superintendent of schools, DSA shall make an examination and report on the structural condition of any school building of the district. DSA must report whether or not each building examined is substantially compliant with applicable code provisions. Whether or not such examination is requested of DSA is entirely optional with the school district or parents concerned, and consequently, in making such examination and report DSA acts as the agent of the school district to whom DSA makes its report and by whom it is guided in determining the extent and character of the examination made.

~~DSA may prescribe a form. Upon receipt of request for examination, DSA shall furnish an application blank, Form DSA-2, which shall be filled out by the applicant, supplying such information as is available. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.~~

DSA is not authorized to prepare plans or make estimates of the cost necessary to make such repairs to the building or buildings as are necessary to meet structural safety standards. (See Sections 17367 and 81162 of the Education Code.)

(b) **Examination and report by school district's structural engineer.** The school district may retain a structural engineer, at the school district's expense, to examine and report on the structural condition of any school building of the district. The structural engineer shall consult with DSA for guidance as to the standard of safety to which the structural condition must measure. The structural engineer must report on whether or not each of the buildings examined is safe or unsafe for school use, and whether or not each of the buildings is substantially compliant with applicable code requirements as required ~~of~~ by DSA under Section 4-345 (a) above.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17313 and 81145.

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Article 8 Documents and Records

4-350. Records.

The records pertaining to the supervision of the construction of school buildings by ~~ORS~~ DSA are public documents and are open to inspection during office hours. Documents shall not be taken from the custody of DSA except as required by law.

Examination reports prepared under the provisions of Sections 17313 and 81145 of the Act (See Section 4-345) are considered to be the property of the school board. Inquiries regarding examination reports shall be referred to the school board concerned.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17313, 11133 and 81145; and Health & Safety Code Sections 19850 through 19853.

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4-352. Submission of documents.

(a) **Application.** Applications for approval of plans and specifications shall be submitted to the DSA regional office serving the project location unless specific approval for submittal elsewhere is given by the ~~state architect~~ State Architect. Processing shall be completed by the receiving office but portions of the work may be reassigned.

(b) **Construction documents.** All documents such as notices (see Section 4-331 and 4-332), qualification records (see Sections 4-333 and 4-341), test reports (see Section 4-335), special inspection reports (see Section ~~4-333~~ 4-335), verified reports (see Section 4-336), and semimonthly reports (see Section 4-337) shall be submitted to the appropriate DSA regional office according to location of project.

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17295, 17299, 17309, 81133, 81135 and 81141.

4-355. Advisory board.

. . .

(b) Membership.

. . .

Appointive members, except for the public members and the appointed ex officio members, shall be qualified by close connection with public school and state building design and construction. They shall be appointed from nominees recommended by the governing bodies of California-based professional organizations representing school districts, architects, engineers, construction inspectors, construction managers, consultants and facility planners, contractors, building officials and fire and panic safety representatives.

. . .

Authority: Education Code Sections 17310 and 81142.

Reference: Education Code Sections 17310 and 81142.